

SUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BETANCOURT PROPERTIES MANAGEMENT CORP.
and RENEWAL ARTS REALTY CORP.,

Plaintiffs,

**STATEMENT OF UNDISPUTED
MATERIAL FACTS OF RECORD
CASE NO. 07-cv-11047 (TPG)**

-against-

SIMPLEX GRINNELL LP a/k/a and/or d/b/a
SIMPLEX GRINNELL or TYCO/FIRE &
SECURITY/SIMPLEX GRINNELL,

Defendants.

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1. On or about May 30, 2007 Plaintiffs signed a contract with SIMPLEXGRINNELL LP to perform certain fire safety system and design-related work at 804 East 138th Street, Bronx, NY.

2. On or about July 3, 2007 the Plaintiffs delivered a letter to Defendant, a copy of which is attached hereto as Exhibit "A", outlining its improper, defective and untimely performance of the subject project.

3. Annexed hereto as Exhibit "B" is a true copy of the City of New York Fire Department letter dated April 25, 2007 against the premises which Plaintiffs received that, inter alia, outlines the basis for Plaintiffs' instant claims against Defendant.

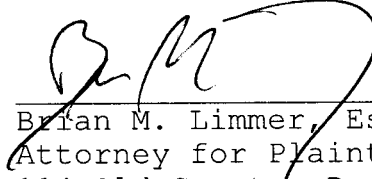
4. Annexed hereto as Exhibit "C" is a true copy of the

Letters of Defect Plaintiffs dated 8/18/07 received from the City of New York Fire Department against the premises for the subject project that is at bar.

Dated: Mineola, NY
April 23, 2008

Respectfully Submitted,

BY:



Brian M. Limmer, Esq. (BL-5053)
Attorney for Plaintiffs
114 Old Country Road
Suite 460
Mineola, NY 11501
(516) 877-8100

To: Michael D. Shalhoub, Esq. (MS-2879)
Suzin L. Raso, Esq. (SR-5426)
GOLDBERG SEGALLA, LLP.
170 Hamilton Avenue, Suite 203
White Plains, New York 10601-1717